

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.24261 of 2007

Between:

Penneru Tulasi Raghava Das.

.. PETITIONER

and

The District Collector, Machilipatnam and others.

.. RESPONDENTS

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WRIT PETITION No.24261 of 2007

ORDER:

It is the case of the petitioner that he was assigned the land

admeasuring Ac.2-50 cents in Sy.Nos.995/1, 995/2 and 995/3 situated at Vyvaka Village, Mudinepalli Mandal, Krishna District, on 18-10-1991. As per the conditions of the patta, the said land is heritable but not alienable. It is stated that the petitioner has not violated any terms and conditions of the assignment. While so, the 3rd respondent without giving any notice and opportunity to the petitioner, passed the resumption order in Rc.No. D-641/2007, dated 12-10-2007, alleging that the said land was assigned in favour of the petitioner, but he violated the provisions of Sub-Section (1) of Section 3 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. Against the said resumption order, the petitioner filed an appeal along with stay application before the 2nd respondent and the same are pending. It is stated that pending disposal of the appeal, the 3rd respondent is taking steps to dispossess the petitioner from the land in question.

As the appeal is pending before the 2nd respondent, without expressing any opinion on the merits of the case, I am of the opinion that it is just and proper to direct the 2nd respondent to consider and dispose of the appeal itself.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the appeal filed against the order of the 3rd respondent in proceedings in Rc.No.D-641/2007, dated 12-10-2007, as expeditiously as possible, in accordance with law. Pending disposal of the appeal, the 3rd respondent is directed not to dispossess the petitioner from the land in question. There shall be no order as to costs.

16-11-2007

Prv